

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Javier Cesario and
Fernando Martinez

V.

SUMMONS IN A CIVIL ACTION

BNI Construction, Inc.,
Mikial Abdur-Rahim and
Musa Last Name Unknown

CASE NUMBER:

07 CIV 8545

JUDGE STANTON

TO: (Name and address of Defendant)

BNI Construction, Inc.,
300 West 147th St., Suite 1C
New York, New York 10039

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Kerin E. Coughlin, Esq.
Constantine Cannon LLP
450 Lexington Avenue, 17th Fl.
New York, New York 10017

Elena Goldstein, Esq.
New York Legal Assistance Group
450 West 33rd Street, 11th Fl.
New York, New York 10001

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Mario Quintero

(By) DEPUTY CLERK

10/2/2007

DATE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAVIER CESARIO and
FERNANDO MARTINEZ,

Plaintiffs,

v.

BNI CONSTRUCTION, INC.,
MIKIAL ABDUR-RAHIM and
MUSA LAST NAME UNKNOWN,

Defendants.

Case No. 07 Civ. 8545 (LLS)

ECF Case

**CERTIFICATE OF
SERVICE**

I, **BRITTANY VOGEL**, am over the age of eighteen years and not a party to the above-referenced matter. I am an employee of Hinman Straub PC, 121 State Street, Albany, New York 12207.

On October 25, 2007, I caused the Summons and Complaint in the above-captioned matter to be served on defendant BNI Construction, Inc. ("BNI"), 300 West 147th Street, Suite 1C, New York, New York 10039, by delivering to and leaving with a person authorized by the secretary of state to receive such service, at the office of the Department of State in the city of Albany, duplicate copies of said Summons and Complaint together with the statutory fee, pursuant to New York General Business Law Section 306(b)(1).

Dated: October 26, 2007
New York, New York


BRITTANY VOGEL

State of New York - Department of State
Receipt for Service

Receipt #: 200710260020
Date of Service: 10/25/2007

Cash #: 200710260020
Fee Paid: \$40 - CHECK

Service was directed to be made pursuant to: SECTION 306 OF THE BUSINESS
CORPORATION LAW

Party Served: BNI CONSTRUCTION, INC.

Plaintiff/Petitioner:
CESARIO, JAVIER

Service of Process Address:
BNI CONSTRUCTION, INC.
300 W 147TH ST
STE 1C
NEW YORK, NY 10039

Secretary of State
By CAROL VOGT

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"><input type="checkbox"/> Served personally upon the defendant. Place where served:</div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"><input type="checkbox"/> Returned unexecuted:</div> <div><input type="checkbox"/> Other (specify):</div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Executed on _____ <div style="text-align: center; margin-top: 5px;">Date</div> </div> <div style="width: 60%;"> _____ <div style="text-align: center; margin-top: 5px;">Signature of Server</div> _____ <div style="text-align: center; margin-top: 5px;">Address of Server</div> </div> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.